

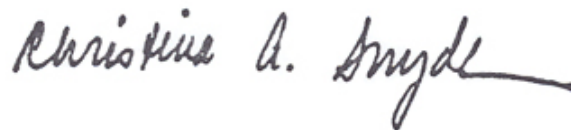


1 A federal court must dismiss a successive petition raising the  
2 same grounds as a prior petition. 28 U.S.C. § 2244(b)(1). A federal  
3 court must also dismiss a successive petition raising a new ground  
4 unless the petitioner can show that (1) the claim rests on a new,  
5 retroactive, constitutional right or (2) the factual basis of the  
6 claim was not previously discoverable through due diligence, and those  
7 new facts establish by clear and convincing evidence that but for the  
8 constitutional error, no reasonable factfinder would have found the  
9 applicant guilty of the underlying offense. 28 U.S.C. §  
10 2244(b)(2)(A)-(B). It is not the district court, however, that  
11 decides whether a successive petition may proceed. Rather, "[b]efore  
12 a second or successive application permitted by this section is filed  
13 in the district court, the applicant shall move in the appropriate  
14 court of appeals for an order authorizing the district court to  
15 consider the application." 28 U.S.C. § 2244(b)(3)(A). Absent  
16 authorization from the Court of Appeals, this Court lacks jurisdiction  
17 over this successive petition. Burton v. Stewart, 549 U.S. 147, 152-  
18 153, 157 (2007); Cooper v. Calderon, 274 F.3d 1270, 1274 (9th Cir.  
19 2001), cert. denied, 538 U.S. 984 (2003).

20 Because petitioner has not obtained leave from the Court of  
21 Appeals to file a successive petition, the petition for a writ of  
22 habeas corpus is dismissed for lack of jurisdiction.

23 **It is so ordered.**

24  
25 Dated: 1/21/15



26  
27 Christina A. Snyder  
28 United States District Judge